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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

21 June 1978

Mr. Raymond J. Brady
Director, Division of Security
Office of Administration
Nuclear Regulatory Commission
Washington, D. C. 20555


Dear Mr. Brady:

This responds to your request for advice as to whether DCID 1/7 markings may be used on foreign intelligence documents containing other than sources and methods information.

DCID 1/7 specifies controls on the dissemination and use of foreign intelligence for the purpose of ensuring adequate protection for sources and methods while also providing for the necessary exchange of information. The control markings specified by DCID 1/7 should thus only be used on documents whose information content is related to intelligence sources or methods in such a manner as to require more protection than can reasonably be expected from the use of security classifications and the application of the "need-to-know" principle alone. This does not require that such information content explicitly describe sources and methods. Section 5.a of DCID 1/7 gives examples of circumstances which would justify use of the restrictive markings involved.

Thus, an intelligence report may properly merit a DCID 1/7 restrictive marking because the information content could reasonably only have come from a narrow circle of sources, and the protection of that source requires that we restrict access to his information to avoid risking his compromise. Similarly, strict injunctions of confidentiality imposed on us by cooperating foreign or commercial sources as a condition of cooperation may require us to restrict the dissemination and use of information they provide.

In sum, the sensitive source or method considerations which justify use of DCID 1/7 markings may be construed broadly so long as they can be articulated.


Executive Secretary

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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Executive Secretary
Security Committee
National Foreign Intelligence Board
Washington, D.C. 20505

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The U.S. Nuclear Regulatory Commission is presently preparing procedures for the control of foreign intelligence. A question has been raised in this connection on the use of the markings prescribed by DCID 1/7, "Control of Dissemination of Foreign Intelligence."

The Directive provides in Paragraph 5.a. that "In addition to the WARNING NOTICE prescribed by NSC Directive, any of the following additional markings may be used on foreign intelligence whenever, in the opinion of the originating organization, extraordinary circumstances related to the intelligence source or method require more specific dissemination restrictions."

We understand it is the practice of the Intelligence Community to use these additional markings not only on sources and methods information, but also on any intelligence information which requires the restrictions indicated in each marking. These additional markings are used independently of the WARNING NOTICE.

The provisions of DCID 1/7 do not prohibit the use of these markings for intelligence information which does not involve sources and methods. It would appear to be counterproductive to prepare and use another set of markings to restrict intelligence information outside of the sources and methods category in the same manner as sources and methods information.

Your advice as to whether the use of these additional markings is permitted on foreign intelligence documents containing other than sources and methods information would be appreciated.

Sincerely,

Raymond J. Brady
Raymond J. Brady, Director
Division of Security
Office of Administration